

To: Biosolids Expert Panel Members  
From: Henry J. Staudinger, Citizens' Representative  
Alan Rubin, Envirostrategies, LLC  
Re: Transmittal Memorandum  
Recommendations for the Panel  
Date: August 6, 2008

The Virginia Biosolids Expert Panel (the "Panel") is required to address each of the specific requests from the General Assembly. As we began to attend and participate in the deliberations of this Panel, we came from very different perspectives on the nature, seriousness, and extent of the issues surrounding the land application of biosolids in Virginia. Nonetheless, we now feel strongly that the specific recommendations of this memorandum, if adopted and implemented, would address these important issues raised by the public. We feel that it is important for us to briefly explain why we have focused on eight topical sections of issues leading to the 14 recommendations listed in the Attachment.

Sections I and II leading to Recommendations 1-5 are the key issues of the enhancement of the protection of human health for certain members of the population that are exposed to biosolids. We believe strongly that the implementation of Recommendations 1-5 is practical and will be extremely effective in ameliorating/eliminating public health concerns/ human health-aesthetic impacts from the land application of biosolids.

Sections III and IV leading to recommendations 6-10 will give the Department of Environmental Quality (DEQ) adequate resources to implement Recommendations 1-5 and effectively deal with other issues that arise in the State's biosolids land application program. Key to this is assurances to the citizens of the Commonwealth that all of the biosolids standards are implemented and are being enforced. This is imperative if the Commonwealth of Virginia through DEQ hopes to restore the faith of Virginia Citizens that the land application of biosolids is a well regulated process that addresses their expressed concerns. Finally, it provides for local jurisdictions to "step in" and take control of biosolids operations in their jurisdictions to protect their citizens health and welfare if the State cannot or will not perform this critical function of government.

Section V leading to Recommendation 11 significantly strengthens the protection of both human health and the environment by identifying pollution sensitive sites others than those identified in Sections I and II and either restricting and or eliminating these sites from biosolids land application based on the potential for biosolids land application to negatively impact surface waters and groundwaters used as sources of drinking water and/or aquatic life habitat.

Section VI leading to Recommendations 12 and 13 place the biosolids generator in the role of being the ultimate responsible party for the execution of all of the provisions of the Virginia biosolids standards (they are already responsible for this function at the Federal level in the Part 503 Rule). More importantly, these recommendations bestow on

the biosolids generator direct responsibility in working with DEQ in implementing appropriate provisions in their permit to fully protect public health and the environment, especially for pollution sensitive individuals. Finally, the requirement to have in place effective Environmental Management Systems (EMSs) for all generators who wish to manage their biosolids in Virginia (whether these generators are in State or out of State) adds an additional mechanism to ensure that the well being of citizens residing in close proximity to biosolids management projects are not negatively impacted.

Section VII leading to Recommendation 14 will ensure that some of the burden for ensuring compliance by both generators and land appliers of all requirements of all appropriate biosolids standards will be shared to some extent between DEQ and/or other appropriate permitting authorities and the biosolids generator and/or land applier as the permittees. This recommendation will provide to the citizens of the Commonwealth additional assurances that all provisions of biosolids regulations are in compliance.

Section VIII (Alternative Biosolids management Technologies) does not have a recommendation at the present time. A specific recommendation will be made when more information has been collected by the Panel.